

**Statement**  
**Of**  
**Lavera McClain**

KG: THIS IS SGT. GRAY. THIS IS GONNA BE A TAPED STATEMENT FROM LAVERA MCCLAIN. THIS IS IN REFERENCE TO A COMPLAINT FILED BY MR. BRADLEY THOMAS PHELPS IN REGARDS TO A TICKET THAT HE WAS ISSUED ON APRIL THE 14<sup>TH</sup> OF 2003 BY SGT. WESTBERRY. AH, PLEASE STATE YOUR FULL NAME.

LM: LAVERA MCCLAIN.

KG: AND YOU'RE EMPLOYED WITH THE MUNICIPAL COURT SYSTEM OF DOTHAN.

LM: UM, HM.

KG: UMKAY. AHM, WERE YOU EMPLOYED AHM WITH THE COURT SYSTEM ON THE DATE THAT THAT TICKET WAS ISSUED.

LM: YES, I WAS.

KG: AHM, DID YOU HAVE AN OCCASION TO SPEAK WITH SOMEONE AH OVER THE PHONE ON THE, IN REFERENCE TO A PHONE CONVERSATION REGARDING THE TICKET?

LM: NO, IN PERSON.

KG: OH, IN PERSON?

LM: UM, HM.

KG: TELL ME, TELL ME WHAT HAPPENED.

LM: AH, BRADLEY PHELPS CAME IN, OR SOMEONE REPRESENTING HIMSELF TO BE BRADLEY PHELPS AND HE WANTED TO KNOW WHY HE, AH, AN AW WAS ISSUED FOR THIS TICKET AND I CHECKED THE COMPUTER AND I FOUND THAT IT HAD NOT BEEN PAID. AND I TOLD HIM BECAUSE THE TICKET WAS NOT PAID. AND HE SAID AT THAT TIME HE DIDN'T UNDERSTAND WHY BECAUSE HE HAD AN AGREEMENT WITH MAGISTRATE MARY TURNER ABOUT UH HER TAKING CARE OF THE TICKET, I BELIEVE TAKING OF IT WAS HIS EXACT WORDS, AH, IN EXCHANGE FOR HIM FIXING HER ROOF. AND I TOLD HIM WHATEVER AGREEMENT HE HAD WITH MRS. TURNER WAS BETWEEN HIM AND MRS. TURNER, AND THAT THE TICKET WAS NOT PAID AND THAT'S WHY HE AH HAD A WARRANT ISSUED FOR HIS ARREST. AND HE SAID THAT THAT WAS NOT RIGHT, THAT HE WAS NOT SUPPOSED TO BE ARRESTED AND I REPEATED THAT THAT WAS BETWEEN HIM AND HER AND HAD NOTHING TO DO WITH ME OR THE TICKET.

KG: SO THE FIRST TIME YOU SPOKE WITH HIM WAS AFTER HIS ARREST ON THAT CITATION?

LM: YES, IT WAS.

KG: AH, AND HE CAME TO THE MAGISTRATES OFFICE?

LM: YES.

KG: OKAY. AH, LOOKING AT THE TICKET THAT HE WAS ISSUED AH SHOWING WHERE IT WAS ISSUED ON APRIL THE 14<sup>TH</sup> OF 03 AND THE APPEARANCE DATE, THE INITIAL APPEARANCE DATE WAS TO BE JUNE THE 3<sup>RD</sup> OF 03.

LM: YES.

KG: WHEN YOU LOOKED FURTHER AT THE BACK OF THAT TICKET WITH ALL REGARDS TO THE OTHER DATES ON THERE, DOES THERE APPEAR TO BE ANYTHING THAT'S PECULIAR ABOUT IT?

LM: YES, THE NUMBER OF TIMES THAT THE TICKET WAS, WAS AH CONTINUED.

KG: WHAT IS THE NORMAL COURSE OF, TELL ME WHAT THE NORMAL PROCESS IS FOR CONTINUING A TICKET IN REFERENCE TO THE DATES AND WHEN THE PERSON WOULD ACTUALLY HAVE TO APPEAR IN COURT SUCH AS THE NUMBER OF CONTINUANCES THAT A PERSON IS USUALLY GIVEN IN A GIVEN SITUATION?

LM: FIRST OF ALL ON A MINOR CHARGE SUCH AS SPEEDING UNLESS SOMETHING OUT OF THE ORDINARY HAPPENS, IT'S NOT NORMALLY CONTINUED THIS MANY TIMES. AHM, IT MAY BE CONTINUED ONE TIME FOR OVER A COURSE OF TIME FOR A LONGER PERIOD AS OPPOSED TO A LOT OF TIMES OVER A LONGER COURSE OR PERIOD. AH, IF FOR EXAMPLE IT INVOLVES AH Y.O. STATUS OR SOMETHING, SOMETHING OUT OF THE ORDINARY GOING ON WITH IT, IT WOULD BE DIFFERENT BUT JUST A SPEEDING TICKET.

KG: SO IT WOULD BE MORE COMMON FOR IT TO BE CONTINUED ONCE MAYBE FOR

LM: FOR A LONGER PERIOD OF TIME AS OPPOSED TO A LOT OF TIMES FOR SHORTER PERIODS OF TIME.

KG: OKAY AND THERE WAS A REFERENCE TO THIS TICKET. WHICH ONE DOES THAT FIT?

LM: IT'S CONTINUED A LOT OF TIMES SHORTER PERIODS OVER A LONGER PERIOD OF TIME.

KG: DO YOU AH RECOGNIZE ANY OF THE HANDWRITING ON THE TICKET AS FAR AS MAGISTRATES DEALING WITH THE DATES THAT THEY WERE CONTINUED?

LM: AH, WHERE IT SAYS 9/16/03, THAT APPEARS TO BE MARY TURNER'S HANDWRITING. WHERE IT SAYS AH SECOND CONTINUANCE 7/13/04 THAT APPEARS TO BE MY HANDWRITING. AH, AW 04 ISSUED 7/27/04 AT 9 A.M. THAT APPEARS TO BE MRS. KNIGHT'S HANDWRITING AND I BELIEVE 10/28/03 THE UTC MAILED AND THE NEW COURT DATE 11/18/03 I BELIEVE THAT HANDWRITING BELONGS TO A MAGISTRATE WHO'S NO LONGER WITH US BUT I CAN'T REMEMBER HER NAME AT THIS TIME.

KG: UMKAY. AH, SO DEALING WITH WHAT MR. PHELPS ASKED YOU ABOUT, AND JUST LOOKING AT THE NUMBER OF TIMES THAT IT WAS CONTINUED DOES THERE SEEM AS A MAGISTRATE USING YOUR PROFESSIONAL OPINION AND DEALING WITH THIS TYPE OF AH AH THING EVERY DAY AS FAR AS ISSUING CONTINUANCES AND TALKING WITH PEOPLE, DOES THERE SEEM TO BE ANYTHING ODD ABOUT THIS?

LM: IT SEEMS TO CONFIRM WHAT HE SAID.

KG: HAVE YOU SPOKEN TO AH MRS. TURNER ABOUT THE, THE SITUATION WHEN THAT WAS BROUGHT TO YOUR ATTENTION?

LM: AFTER PHELPS WALKED AWAY SHE CAME OUT OF HER OFFICE AND ASKED ME WHAT HE WANTED, AND I TOLD HER WHAT HE SAID AND SHE REPLIED THAT HE WAS JUST CRAZY, AND WENT BACK IN HER OFFICE.

KG: OKAY. DID HE, SHE SPEAK TO YOU ANY MORE ABOUT THAT?

LM: SHE HASN'T SPOKEN TO ME AGAIN SINCE THEN.

KG: WHEN WAS THAT?

LM: THIS WAS ON THE SAME DAY NOT LONG AFTER HE WAS ARRESTED ON THE AW. I DON'T REMEMBER WHAT THE DATE WAS,

KG: OKAY.

MC: BUT IT WAS SHORTLY THEREAFTER, I DON'T KNOW IF IT WAS THE SAME DAY BUT IT WAS RECENT, RECENT, SHORTLY AFTER HIS, HIS ARREST.

KG: OKAY. HE WAS ARRESTED ON 9/11/04 ON AN AW.

LM: IT WAS AN AFTERNOON AFTER HIS ARREST. I DON'T REMEMBER THE EXACT DATE. PRIOR TO HIS COMING TO COURT FOR HIS ARRAIGNMENT.

KG: UMKAY. LOOKING AT THE COMPUTER SCREENS LIKE THEY'RE DEALING WITH THIS SPECIFIC CASE, AH, CAN YOU JUST GIVE THE, THE COURT DATES OF, AH START

WITH THE DAY THAT HE WAS STOPPED AND JUST GO DOWN WITH THE COURT DATES AS FAR AS THEIR CONTINUANCES.

LM: OKAY. HE WAS ARRESTED, I MEAN HE WAS CITED THE TICKET ON 4/14/03, AND GIVEN AN ORIGINAL COURT DATE OF 6/3/03. IT WAS CONTINUED TO 9/16/03. THERE WAS A 6A SET ON 10/28/03.

KG: WHAT IS A 6A?

LM: 6A IS A NOTICE THAT YOU NORMALLY GET WHEN YOU MISS YOUR FIRST APPEARANCE OF COURT. IT SHOULD ROLL OVER TWO WEEKS. YOU'RE SENT C 8 6A. THAT'S A NOTICE TO LET YOU KNOW YOU'VE MISSED YOUR COURT DATE AND YOU'RE GONNA GET A TWO WEEKS GRACE PERIOD.

KG: OKAY. SHOULDN'T THE 6A ACTUALLY HAVE COME WITH THE SECOND COURT DATE?  
LM: IT SHOULD HAVE.

KG: OKAY, WHICH WOULD'VE BEEN 9/6

LM: UH UH, 6, IF 6/3 WAS THE ORIGINAL COURT DATE, IT SHOULD'VE BEEN TWO WEEKS FROM THERE.

KG: OKAY. SO THAT IN ITSELF IS ODD?

LM: YEAH.

KG: THAT IT WAS SET 3 MONTHS

LM: THAT THE 6A WASN'T SET UNTIL 10/28.

KG: OKAY.

LM: THEN THE 6A WAS SENT ON T', SENT ON 10/28, THE NEXT DATE SEEMS TO BE 11/18/03, AND THEN WE SWITCHED COURT SYSTEMS. LET ME GET TO THE OTHER SIDE AND I CAN PICK IT UP FROM THERE. OKAY. THE NEXT THING I HAVE IS LET'S SEE AN ATTORNEY ENTERS HIS APPEARANCE ON DECEMBER 15<sup>TH</sup>, 04 FOR HIM. HE WAS SET FOR A TRIAL MARCH, LOOKS LIKE MARCH 2<sup>ND</sup> OF 05. YEAH HE WAS SET FOR 12/15/04 HE WAS SET FOR A TRIAL. IT WAS CONTINUED FROM 12/15/04. HERE'S WHEN HE CAME FOR HIS ARRAIGNMENT, 10/11/04 AND PLED NOT GUILTY. THAT'S WHEN HE CAME TO COURT.

KG: UMKAY.

LM: ON 10/11/04 AND IT STATES THAT, YOU KNOW HE MADE HIS, HIS CLAIM AGAIN AND I TOLD HIM AGAIN THAT WAS BETWEEN HIM AND MRS. TURNER. AND HE WAS SET FOR A TRIAL 12/15/04. IT WAS CONTINUED.

KG: OKAY. SO HE SPOKE WITH YOU TWICE.

LM: YEAH HE SPOKE TO ME WHEN HE CAME TO COURT FOR HIS ARRAIGNMENT ON THIS DATE, 10/11/04.

KG: UMKAY.

LM: I HANDED HIM HIS COURT DATE.

KG: AND HE, NOW WHAT AGAIN DID HE SAY ON, ON THAT DATE?

LM: HE STATED AGAIN THAT, YOU KNOW WHAT HAD HAPPENED BETWEEN ME AND MRS. TURNER, HIM AND MRS. TURNER AND I SAID, YOU KNOW THERE'S NOTHING I CAN DO ABOUT IT. YOU NEED TO TALK TO THE JUDGE OR SOMEBODY WHO HAS THE AUTHORITY TO ACT ON IT, WHICH IS NOT ME.

KG: UMKAY.

LM: AND I GAVE HIM HIS COURT DATE AND HE SAID HE WOULD PURSUE IT FURTHER AND HE LEFT.

KG: UMKAY. AND THAT COURT DATE 10/11/04 IS UH WHEN HE PLED, THAT WAS AFTER HE WAS ARRESTED

LM: UM, HM.

KG: AND HE PLED NOT GUILTY.

LM: UM, HM.

KG: OKAY.

LM: AND THEN HE WAS SET FOR A TRIAL 12/15/04.

KG: UMKAY. AND THAT'S THE ONE IF I REMEMBER CORRECTLY THE JUDGE SAID SHE HAD AH CONTINUED

LM: UM, HM.

KG: BECAUSE OF THIS INVESTIGATION?

LM: UM, HM.

KG: UMKAY. IS THERE ANYTHING, HAVE YOU SPOKEN TO ANYONE ELSE OTHER THAN HIM ABOUT THIS, I MEAN RELATED TO HIS FAMILY?

LM: NO.

KG: OKAY. AHM, DID YOU HAVE ANY CONVERSATION WITH MRS. OTT ABOUT THIS WHENEVER IT DID COME FOR ARRAIGNMENT?

LM: NO.

KG: UMKAY. IS THERE ANYTHING ELSE YOU REMEMBER ABOUT THIS THAT I MAY NOT HAVE ASKED YOU?

LM: NO.

KG: UMKAY. IT'S GONNA BE THE END OF STATEMENT. TIME IS 4:04 P.M.